

Magistrate Judge Mary Alice Theiler



09-MJ-00206-CMP

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW STEVEN GRAY,  
a/k/a Stryder D. Austin,

Defendant.

CASE NO. MJ09-206

COMPLAINT for VIOLATION  
18 U.S.C. §§ 922(g)(1) and 924(a)(2)

BEFORE Mary Alice Theiler, United States Magistrate Judge, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**  
**(Felon in Possession of a Firearm)**

On an exact date unknown, but in 2008, in Monroe, within the Western District of Washington, and elsewhere, ANDREW STEVEN GRAY, having previously been convicted in the State of Washington of a crime punishable by imprisonment for a term exceeding one year, to wit, Violation of the Controlled Substances Act, in the Superior Court of Washington for King County, cause number 99-1-02263-3 SEA, on or about April 23, 2009, did knowingly possess, in and affecting interstate commerce, a Ruger .22 caliber semi-automatic pistol, that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

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1 The undersigned complainant, Special Agent Gregory M. Kraus, being duly sworn,  
2 states:

3 **Affiant's Background**

4 1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI")  
5 and have been so since February 2008. Prior to the FBI, I worked in various capacities  
6 ranging from a Navy SEAL Officer to a Department of State protective security  
7 specialist. I graduated from the United States Air Force Academy in 1997, after which I  
8 received my commission as a Naval Officer. I served in the United States Navy for six  
9 years as a SEAL Platoon Commander and Assistant Platoon Commander. Later, I  
10 worked for the United States Department of State, Bureau of Diplomatic Security, as a  
11 member of the United States Diplomatic Protection Detail in Baghdad, Iraq. I was  
12 subsequently employed by the United States Secret Service and attended the Criminal  
13 Investigator Training Program at the Federal Law Enforcement Training Center. Since  
14 entering on duty with the Federal Bureau of Investigation, I have been assigned to the  
15 Joint Terrorism Task Force ("JTTF"), where I am responsible for investigating violations  
16 of federal criminal laws. My primary focus is on investigating potential domestic  
17 terrorism, including right-wing extremists and anti-government groups.

18 2. This Complaint is based upon the following information gathered by me  
19 and other law enforcement officers. For purposes of conducting this investigation and  
20 drafting this affidavit, I have spoken to other agents, law enforcement officers, and other  
21 interested individuals about this investigation, and have read reports concerning the  
22 progress of the investigation. The statements contained in this affidavit are based on my  
23 personal knowledge or on information that has been provided to me directly or indirectly  
24 by other investigating agents/officers, and on my experience and training. The  
25 information contained herein is intended to establish probable cause and does not contain  
26 every fact known to me and other officers regarding this investigation.  
27  
28

### The "Sovereign Citizen" Movement

3. The "Sovereign Citizen" movement is a loosely organized group of people adhering to the belief that the government fundamentally has no authority over them. The belief system has many forms and offshoots, ranging from purely legal arguments to purely religious arguments and often including a mix of the two. In general, sovereign citizen adherents believe that the federal courts have no jurisdiction beyond federal property. Additionally, they often believe that, because the names of parties are written in capital letters on court pleadings ("JOE SMITH"), the paperwork is referring to a mythical "straw man" entity and not the real person. Sovereign citizen adherents also believe that submitting to any process, usually by way of their signature, in any way involved with the federal government (social security, driver licensing, car registrations, marriage licenses, hunting and fishing licenses, etc.) constitutes an admission that they are not in fact sovereign. Many adherents will write statements such as "Under Duress," "No Liability Accepted," or "Without Prejudice UCC 1-308" on documents such as drivers' licenses which they must sign in order to conduct their day-to-day lives. Regardless of the label applied or the specific form their ideology takes, their ideology fundamentally rests on the belief that the federal courts, federal law, and ultimately the federal government and all of its agencies have no legal authority to impose their will upon a "sovereign citizen."

4. Individuals involved in the "Patriot Movement," also referred to as "constitutionalists," often hold belief systems very similar to those in the Sovereign Citizen movement. In fact, it is very common for individuals to adhere to both ideologies. Members of the Patriot Movement are more often marked by the view that the federal government in its current form is irreparably corrupt and has drifted too far away from a strict interpretation of the Constitution. These individuals often store quantities of firearms, ammunition, food, water, and other supplies in anticipation of the breakdown of society and a time when they will have to be self sufficient. These individuals also believe that they are routinely monitored by the federal government, in

1 violation of their Constitutional rights, and as such, they tend to be very security  
2 conscious, employing security cameras, motion sensors and other measures on their  
3 property. Groups of like-minded individuals often form "Militia" groups, envisioning the  
4 day when the country will call them to action. Again, these individuals feel that the  
5 federal government no longer has any authority over them, and thus the federal criminal  
6 laws – including the firearms laws – do not apply to them.

7 **The Investigation Of ANDREW STEVEN GRAY**

8 5. I have seen court documents showing that, on April 23, 2009, ANDREW  
9 STEVEN GRAY, a/k/a Stryder D. Austin, was convicted in the Superior Court of  
10 Washington for King County, in cause number 99-1-02263-3 SEA of an offense  
11 punishable by imprisonment for a term exceeding one year, namely a violation of the  
12 Uniform Controlled Substances Act, RCW 69.50.401(d). GRAY appealed his conviction,  
13 and on November 19, 2007, the Court of Appeals of the State of Washington, Division  
14 One, upheld the conviction. I have also seen court documents that show that GRAY was  
15 also served with a Notification of Ineligibility to Possess Firearm, which he refused to  
16 sign.

17 6. I have seen court documents that show that, during his King County case,  
18 GRAY filed *pro se* arguments challenging the court's jurisdiction. GRAY argued that,  
19 due to problems with the constitutional convention of 1889, the State of Washington was  
20 acting as a corporation, not a government, and had no authority over him. Based on my  
21 training and experience, I know that arguments such as those outlined above are common  
22 indicators that an individual is an adherent to "constitutionalist" or "sovereign citizen"  
23 ideology. Additionally, in a photograph obtained by me from the Washington State  
24 Department of Licensing, GRAY wrote "no liability accepted" above his signature.  
25 Based on my training and experience I know that this is also an indicator of "sovereign  
26 citizen" ideology.

27 7. This investigation involves a Confidential Informant ("CI"). Per standard  
28 policy, I will refer to the CI as if he were a man, regardless of the CI's true gender. The

1 FBI has been paying the CI for information in this investigation. As far as I know, the CI  
2 has given us accurate information during the investigation and has not been dishonest or  
3 misled us in any way.

4 8. The CI told us that, on a date in 2008, he saw ANDREW STEVEN GRAY  
5 firing an AR-15 style rifle and a Ruger .22 caliber pistol at 21007 Ben Howard Road,  
6 Monroe, Washington. The residence is owned by "J.F." and is known as the Militia  
7 Training Center ("MTC"). J.F. built a small shooting range on the property and routinely  
8 holds training for individuals involved in the militia movement. According to the CI,  
9 GRAY'S rifle was equipped with an Aimpoint red dot sight. The CI reported that GRAY  
10 has told the CI that he keeps a pistol in his vehicle at all times, and that he keeps a .45  
11 caliber Kimber pistol on his person at all times while at home.

12 9. The CI told us that, on a later occasion, he again saw GRAY firing guns,  
13 including a Ruger pistol. On this second occasion, agents conducted a surveillance of  
14 GRAY and saw GRAY meet with the CI and travel to the MTC. While GRAY and the  
15 CI were at the MTC, agents heard the sound of gunfire coming from the compound. The  
16 CI was equipped with a recording device when he met with GRAY that day. I have  
17 listened to those recordings and have heard the CI talking to a man he calls "Drew."  
18 "Drew" talks about possessing firearms.

19 10. I contacted the Product Service Department of Sturm, Ruger, and Company,  
20 Incorporated, in Prescott, Arizona, the manufacturers of Ruger pistols. The company  
21 confirmed that Ruger does not have any manufacturing plants in the State of Washington,  
22 and also confirmed that no Ruger pistols have ever been made in Washington. Therefore,  
23 the pistol that was in GRAY'S possession must have travelled in interstate commerce.

24 11. From my background in the military and law enforcement, I have extensive  
25 training and experience with firearms. Based on what I know about Ruger pistols, and  
26 the CI's report of GRAY firing the .22 caliber Ruger, I can confirm that the weapon  
27 meets the definition of a firearm under federal law, as it is a weapon designed to expel a  
28 projectile by means of an explosive.

12. I respectfully submit that there is probable cause to believe that, on an exact date unknown, but in 2008, in Monroe, within the Western District of Washington, and elsewhere, ANDREW STEVEN GRAY, having previously been convicted in the State of Washington of a crime punishable by imprisonment for a term exceeding one year, to wit, Violation of the Controlled Substances Act, in the Superior Court of Washington for King County, cause number 99-1-02263-3 SEA, on or about April 23, 2009, did knowingly possess, in and affecting interstate commerce, a Ruger .22 caliber semi-automatic pistol, that had been shipped and transported in interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

  
Gregory Kraus, Complainant  
Special Agent, Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offense set forth in the Complaint.

Sworn to before me and subscribed in my presence, this 30 day of April, 2009.

  
MARY ALICE THEILER  
UNITED STATES MAGISTRATE JUDGE